IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4133 OF 2006

Dattaram R. Kadam ....Petitioner
V/s.
The Commondore & Ors. ....Respondents

Mr.Umesh P. Mankapure for the Petitioner.
Mr.A.S. Rao with Ms.Leena Patil i/b Mr.G.C. Mishra for Respondent Nos.1 and 2.

CORAM : F.I. REBELLO &
S.J. VAZIFDAR, JJ.
DATED : 20TH FEBRUARY, 2007.

P.C. :

1. Under rule 78 of the Navy (Pension) Regulations, 1964, the sailor has to put in minimum period of fifteen years to be entitled for service pension. To this fifteen years is considered the period as a cadet as also as a boy. Under rule 82 of the said Act as now interpreted by this Court, in the case of discharge, there is power in the Respondents to condone deficit of one year's service.

2. In the instant case, the Petitioner had joined on 23.10.1965 and was discharged on 31.10.1975. In other words, he has just completed ten years of service. The Petitioner was given an opportunity to

further enter into contract which he declined by his letter dated 7.5.1973. Considering the above, in our opinion, no case is made out on the facts as they stand. Hence the Writ Petition is dismissed.

3. The learned counsel for the Petitioner points out that the Association has filed a Petition. After pursuing the Petition, the Petitioner would also be entitled to benefit and the dismissal of this Writ Petition will not stand in his way.

(S.J. VAZIFDAR, J.) (F.I. REBELLO, J.)